



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

REVIEWS OF BOOKS

Federal Land Grants to the States with Special Reference to Minnesota (The University of Minnesota, *Studies in the Social Sciences*, no. 2). By MATTHIAS NORDBERG ORFIELD, LL.B., PH.D., sometime instructor in political science in the University of Minnesota. (Minneapolis, The University of Minnesota, 1915. 275 p.)

The material for a comprehensive study of the American public domain is so vast and scattered that any contribution, however restricted and detailed, will be welcomed by scholars as a step toward a more thorough understanding of this important influence in American life. It is strange, considering its importance, that the public domain has received so little attention from students. Fortunately, however, there are indications that investigators in history, political science, and economics are entering this fruitful field in increasing numbers.

Mr. Orfield's study deals with an important phase of the subject—the history of land grants to states for all purposes, including, among others, support of elementary and secondary education, support of the ministry, development of industries, military defense, internal improvements, and public buildings. The author purposes to show how there came to be a federal land grant policy, how that policy developed into its present form, and how the states have administered their heritage. The work, then, naturally divides into three parts. The first part deals briefly with the colonial precedents. In the second part the general subject of land grants to the states and territories is discussed. In the last division Minnesota is chosen as a typical state for a more detailed study of the administration of the public lands. Under each general division the different kinds of land grants are treated separately. While such a topical division may be convenient, it is unfortunate that the material is not woven into a closer texture. With so complicated a subject such a task is exceedingly difficult, but nevertheless possible, of attainment.

Most of the material on which the study is based has been

found in the libraries of the University of Minnesota and the Minnesota Historical Society, in the Minnesota State Library, and in the office of the state auditor. It consists almost entirely of public documents, comprising colonial records, the *Congressional Debates and Globe*, *Senate and House Documents*, journals of legislatures, reports of committees, governors' messages, state and federal statutes, decisions of the courts, and the like. What Mr. Orfield has written, therefore, is a legislative and constitutional history of land grants to the states. It is to be regretted, however, that he did not explore the extensive newspaper material and make more use of the correspondence of public men. A better background for the laws and the debates in Congress and in the legislatures would thus have been secured. It is impossible to understand what happened in Congress during the important years 1852 and 1854, for example, unless we have in mind the conflicting interests of those who favored land grants to railways, canals, and institutions, military bounties, homestead legislation, graduation of the prices of public lands, distribution of the proceeds of the sales of public lands, and the relinquishment of the lands to the states in which they were situated. What, for instance, was the attitude of those who favored land grants to soldiers and railways towards the homestead proposition? The disturbing element of slavery, especially the Kansas-Nebraska bill, also profoundly affected the public land question. Votes in Congress are often misleading because of log-rolling, and land bills offered splendid opportunities for this practice. A study of the newspapers and the correspondence of public men would enable the student to get behind the scenes and check up the votes of representatives and senators. To quote Professor Frederick J. Turner: "We cannot understand the land question without seeing its relations to the struggle of sections and classes bidding against each other and finding in the public domain a most important topic of political bargaining."

Notwithstanding this defect, every chapter reveals the painstaking work of the author. At the cost of great effort he has searched out new information amply fortified by footnote references, and has compiled valuable tables. He has not only studied the grants for all the various purposes, but he has also pursued

his investigation into the states and has thrown much light on the constitutional and legal aspects of the question.

The West has always been dissatisfied with the land policy of the federal government, believing this policy to be dictated by men who had little interest in that section of the country or else were unable to understand its needs. The cause of public education in the United States has suffered because of the unsatisfactory adjustment of federal and state authority in the matter of lands reserved for schools. "Up to 1845," according to Mr. Orfield, "the school lands were generally granted 'to the state for the use of the inhabitants' of each 'township for the use of schools.' But in the case of Indiana and Alabama the grant was directly to the 'inhabitants' of the various townships. The results were equally disastrous, for in either case it meant local control over the proceeds of the lands. . . . The legislatures of the new states have not always been discreet and far-sighted in the management of the school lands. The spectacle of state after state throwing away the heritage of its common schools by century-long leases, premature sales at inadequate prices, or investment of the proceeds in doubtful securities served more and more to impress upon Congress the importance of taking some action to safeguard the inheritance of the schools" (pp. 48, 49). It is apparent to Mr. Orfield that progress has been made in the direction of greater national control over school lands, although Congress has done little or nothing to assert its authority when states have diverted the proceeds of their lands from the purpose specified.

In the section devoted to the discussion of the administration of public lands in Minnesota the reader will find much to praise and much to censure in the conduct of the state government and its officials. Minnesota came into the Union at a time when her citizens could profit by the unfortunate experiences of her sister states. The state constitution, fortunately, imposed a healthy check upon the sale of the school lands and the first governor, Alexander Ramsey, was impressed with the importance of a careful stewardship of lands belonging to the state. Later in her history, however, the state suffered much loss through the incompetency and corruption of those in charge of the administration

of her lands. She possessed forests of fabulous value, but "it is only within the last decade and a half that the state and national governments have come to think seriously of practical forestry." For this reason most of the state timber has been sold. Mr. Orfield relates how this wonderful resource has fallen into the hands of individuals, many of whom obtained titles to large tracts by unfair or unscrupulous methods. The resultant losses to the state and the measures employed to remedy them are described in considerable detail. There are also chapters devoted to a discussion of the mineral lands, which have brought so much wealth to the state.

Mr. Orfield has produced, on the whole, a valuable treatise. Some errors, however, have crept into the text. In his account of the land legislation in Congress in the thirties and forties he makes the statement that at the time of Clay's famous report in 1832 "there were two questions before the committee, the reduction in the price of the public lands and the distribution of the lands to the new states" (pp. 98-100). The fact is that there were at least three distinct propositions: preëmption, graduation, and the distribution of the *proceeds of the sales* of the public lands among the states. Further, in discussing the distribution-preëmption law of 1841 (p. 100), he says merely that "the Senate signified its approval" of the House bill, whereas two important amendments were added, which became exceedingly important at the next session.

The bibliography appended leaves much to be desired. It is very full for the colonial period, which occupies relatively and properly little space in the text, but for the remainder of the book it is rather disappointing. This is particularly true of the secondary material. Why such titles as Treat's *National Land System*, Benton's *Thirty Years' View*, Calhoun's and Clay's *Works*, Bal-lagh's papers in the *Reports* of the American Historical Association for 1897 and 1899, George W. Julian's writings and speeches, to mention only a few, are omitted is not clear. The *Life, Journals, and Correspondence of Manasseh Cutler* is not listed, although referred to in the footnotes.

G. M. STEPHENSON